

## **REMARKS**

The Office Action dated June 13, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3-14, and 16-27 are currently pending in the application, of which claims 1, 14, 24, and 27 are independent claims. Claims 1, 3-14, and 16-26 have been amended, and claim 27 has been added, to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1, 3-14, and 16-27 are respectfully submitted for consideration.

Claims 1, 3-14, and 16-26 were again rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,829,473 of Raman et al. ("Raman"). Applicants respectfully submit that the claims recite subject matter that is neither disclosed nor suggested in Raman.

Claim 1, upon which claims 3-13 depend, is directed to a method including establishing an accounting session between a network element and a charging function for the session, wherein the network element includes a gateway of an internet protocol based communication system. The method also includes initiating a change in the accounting session on the initiation of the charging function. The method further includes charging for services in the communication system based on the accounting session. The initiating a change in the accounting session includes transmitting a request to update the accounting session from the charging function to the network element.

Claim 14, upon which claims 16-23 depend, is directed to a charging element including a monitor unit configured to monitor charging in an internet protocol based communication system. The charging element also includes an establishment unit configured to establish an accounting session with an application. The charging element further includes an information unit configured to inform a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes an initiation unit configured to initiate a change in the accounting session. The initiation unit includes a transmission unit configured to receive a request to update the accounting session.

Claim 24, upon which claims 25-26 depend, is directed to a communication system including a network element configured to control a session for the provision of services in the communication system, wherein the network element includes a gateway of an internet protocol based communication system. The system also includes an application for the session. The system further includes a control function for the session. The system additionally includes a charging function. At least one accounting session is configured to be established between the charging function and at least one of the network element, the application, or the control function. The charging function is configured to initiate a change in the at least one accounting session by transmitting a request to update the accounting session to the network element.

Applicants respectfully submit that Raman fails to disclose or suggest all of the elements of any of the presently pending claims.

Raman generally relates to roaming and hand-off support for prepaid billing for wireless data networks. As explained at column 36, lines 18-25, Raman describes that a mobile node 78 can begin PPP negotiations with the PDSN 178 to establish a PPP session 182. The PDSN 178 sends a DIAMETER Auth-Request message to an HAAA 191. If instead the Auth-Request message is sent to a BAAA 201, it – in turn – forwards the Auth-Request message to the HAAA 191.

Raman's system includes a Home Authentication, Authorization, and Accounting (HAAA) program and associated Authentication, Authorization, and Accounting (AAA) server. Raman's system also include a Packet Data Serving Node (PDSN) that acts as a gateway for a mobile station into the network, as can be seen at column 15, lines 44-54, and Figure 12 of Raman. In Raman, the HAAA can send an "Auth-Accept" message to the PDSN. The message includes measurement-method parameters that are used to charge for a session, as can be seen at column 36, lines 26-33, of Raman. Similar functions can also be performed between a Broker AAA (BAAA) and the PDSN.

Raman, however, is silent as to initiating a change in the accounting session on the initiation of a charging function (such as an AAA) by transmitting a request from the charging function to the gateway network element. Furthermore, in direct contrast, Raman discloses that the measurement-method parameters in the "Auth-Accept" message can only be transmitted in response to an "Auth-Request" message sent from the PDSN, as can be seen at column 36, lines 17-33, of Raman. Therefore, Raman teaches something totally inconsistent and contradictory to initiating a change in the accounting

session on the initiation of a charging function (such as an AAA) by transmitting a request from the charging function to the gateway network element.

Claim 1 recites “initiating a change in the accounting session on the initiation of the charging function ... wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element,” claim 14 recites “A charging element [including] an initiation unit configured to initiate a change in the accounting session, wherein the initiation unit comprises a transmission unit configured to receive a request to update the accounting session,” and claim 24 recites “the charging function is configured to initiate a change in the at least one accounting session by transmitting a request to update the accounting session to the network element.” Applicants respectfully submit that these features are not disclosed or suggested by Raman.

The Office Action’s response to the argument previously presented was that “transmitting a request to update the accounting session from the charging function to the network element” is disclosed by Raman’s PDSN 185 and BAAA 201 performing replenishing procedures over an SSL link, as described at column 38, lines 8-16. Applicant respectfully submits that Raman does not disclose or suggest what is claimed.

Rather, Raman mentions, at column 38, lines 8-16, only that the AAA and PDSN perform “accounting procedures” over an SSL link. There is absolutely no mention in the cited passage as to which of the AAA or PDSN initiates those accounting procedures, or of the sending of any kind of request. Since the claims particularly identify the device that initiates, and detail that the initiation involves a request, it is respectfully submitted

that the cited passage is not relevant, because it does not contain the level of detail necessary to disclose or suggest every element of the claim.


Indeed, as explained in the present application, at page 4, lines 11-17, it may be necessary in some embodiments of the present invention to modify the Diameter IP protocol to include a new message pair: a charging function initiated update-accounting request and a corresponding update-accounting answer. Raman does not provide any corresponding modification to the conventional Diameter IP protocol, and thus, Raman cannot be construed to have a structure similar to certain disclosed embodiments of the present invention, such as those disclosed at page 4, lines 11-17. Accordingly, one of ordinary skill in the art would not be motivated by Raman to modify a conventional Diameter IP protocol to include the new message pair disclosed in the present specification or, more importantly, to provide what the claims recite: “initiating a change in the accounting session on the initiation of the charging function ... wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element” (claim 1), “A charging element [including] an initiation unit configured to initiate a change in the accounting session, wherein the initiation unit comprises a transmission unit configured to receive a request to update the accounting session” (claim 14), or “the charging function is configured to initiate a change in the at least one accounting session by transmitting a request to update the accounting session to the network element” (claim 24). Therefore, it is respectfully requested that the rejections of claims 1, 14, and 24 be withdrawn.

Claims 3-13, 16-23, and 25-26 depend respectively from, and further limit, claims 1, 14, and 24. It is, therefore, respectfully submitted that each of claims 3-13, 16-23, and 25-26 recites subject matter that is neither disclosed nor suggested in Raman, and it is respectfully requested that the rejection of claims 3-13, 16-23, and 25-26 be withdrawn.

For the reasons explained above, it is respectfully submitted that each of claims 1, 3-14, and 16-27 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-14, and 16-27 be allowed, and that this application be passed to issue.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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Enclosures: Petition for Extension of Time